

REMARKS

Claims 1-40 are pending in this application, with claims 1, 6, 11, 16, 21, 26, 31 and 36 being independent. Claims 11 and 16 have been amended. Claims 21-40 have been withdrawn. No new matter has been introduced.

Specification

Applicant has amended the specification to address the Examiner's objections. In particular, as requested by the Examiner, the Brief Description of the Drawings has been moved to a more appropriate location.

The title of the application also was objected to for not being descriptive. Applicant requests that the Examiner change the title from "Electronic apparatus" to "An Electronic Apparatus Including A Light Emitting Element" if that title is acceptable to the Examiner.

Claim Rejections – 35 U.S.C. § 103

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication Number 2004/0151829 ("Boroson") in view of U.S. Patent Number 7,034,451 ("Senbonmatsu"). Applicant requests reconsideration and withdrawal of this rejection because Senbonmatsu fails to qualify as prior art, and because Boroson alone fails to describe or suggest all the features of independent claims 1 and 6.

Senbonmatsu does not qualify as prior art under 35 U.S.C. § 102(e) because it was not filed before applicant's invention of the claimed subject matter. Senbonmatsu was filed on August 20, 2003, which is before the filing date of the present application. However, the present application claims priority to an application filed in Japan on April 7, 2003, which is before the filing date of Senbonmatsu. The Japanese application, which provides support for the claimed subject matter, is evidence of applicant's invention of the claimed subject matter prior to Senbonmatsu's filing date. Applicant is preparing a translation of the Japanese application and will provide the translation upon completion as evidence of applicant's invention prior to Senbonmatsu's filing date.

As acknowledged by the Examiner, Boroson fails to describe or suggest at least some features of the independent claims. Accordingly, since Boroson does describe or suggest all of the claim features, and since Senbonmatsu fails to qualify as prior art, the rejection should be withdrawn.

Claims 11-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boroson in view of Senbonmatsu and further in view of U.S. Patent Number 6,356,029 ("Hunter"). Applicant requests reconsideration and withdrawal of this rejection because (1) Senbonmatsu does not qualify as prior art; (2) as acknowledged by the Examiner, Boroson does not describe or suggest all of the features of independent claims 11 and 16; and (3) Hunter does not remedy the failure of Boroson to describe or suggest the subject matter of independent claims 11 and 16.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Hiroko Abe et al.
Serial No. : 10/816,185
Filed : April 2, 2004
Page : 15 of 15

Attorney's Docket No.: 12732-222001 / US7082

The \$120 fee for the Petition for Extension of Time fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account 06-1050.

Respectfully submitted,

Date: 12/14/06



John F. Hayden
Reg. No. 37,640

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331